

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

PETER JAMES ROBINSON,)
)
)
Plaintiff,)
)
)
vs.) No. CIV-09-1287-C
)
)
JESSE SUTTER, JR., et al.,)
)
)
Defendants.)

O R D E R

This civil rights action brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Doyle W. Argo, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Argo entered a Report and Recommendation concluding that because Plaintiff had not paid the initial filing fee as ordered, the action should be dismissed without prejudice. The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed; however, on December 21, 2009, Plaintiff paid the \$3.32 filing fee, rendering the Magistrate Judge's recommendation moot.

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted in part. Plaintiff may proceed with service on Defendants.

IT IS SO ORDERED this 23rd day of February 22, 2010.


ROBIN J. CAUTHRON
United States District Judge